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13
14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA
LAS VEGAS DIVISION

16 GRACE HOWERTON,

17 Plaintiff,

18 v.

19 USAA SAVINGS BANK,

20 Defendant.

Case No. 2:19-cv-01550-KJD-NJK

**STIPULATION AND ORDER TO STAY THE
PROCEEDINGS PENDING ARBITRATION**

22 Pursuant to the Federal Arbitration Act ("FAA"), 9 U.S.C. § 3, Defendant USAA Savings Bank
23 ("USAA SB") and Plaintiff Grace Howerton ("Plaintiff") hereby stipulate and agree that these
24 proceedings should be stayed pending the outcome of arbitration.

25 This action arises out of a credit card application that Plaintiff submitted, and a credit card
26 account that she opened as a result. Under the terms of the USAA Credit Card Agreement (the
27 "Agreement"), Plaintiff agreed to arbitrate disputes like this one with USAA SB, specifically Plaintiff's

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1 claim relating to the collection of her credit card debt. (**Exhibit A**, ¶¶ A.1, A.2.) Before filing a Motion
2 to Compel Arbitration, USAA SB conferred with Plaintiff, and the parties have agreed to submit this
3 matter to arbitration.

4 Section 3 of the FAA provides:

5 If any suit or proceeding be brought in any of the courts of the United States upon any
6 issue referable to arbitration under an agreement in writing for such arbitration, the court
7 in which such suit is pending, upon being satisfied that the issue involved in such suit or
8 proceeding is referable to arbitration under such an agreement, ***shall on application of
one of the parties stay the trial of the action until such arbitration has been had in
accordance with the terms of the agreement***, providing the applicant for the stay is not in
default in proceeding with such arbitration.

9 9 U.S.C. § 3 (emphasis added); *BEHROOZ MOHAZZABI, Plaintiff, v. WELLS FARGO, N.A.,*
10 *Defendant.*, No. 218CV02137RFBVCF, 2019 WL 4675768, *2 (D. Nev. Sept. 25, 2019) (“Section 3 of
11 the FAA provides for a stay of legal proceedings whenever the issues in a case are within the reach of an
12 arbitration agreement.”). Here, Plaintiff’s claim that USAA SB “placed collection calls to Plaintiff
13 seeking and attempting to collect on alleged debts incurred under a credit card agreement issued
14 specifically by Defendant, USAA Savings Bank” is a Covered Claim per the Agreement, specifically
15 Paragraph A.2 subsection (v): “Your Account balance or any billing or collections matters relating to
16 your Account.” (See Doc. 5, ¶ 8; **Exhibit A**.) Accordingly, Plaintiff’s claim against USAA SB is within
17 the Agreement and subject to arbitration.

18 If and when an award is issued in arbitration, the parties will inform of the same to this honorable
19 Court.

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1 For the foregoing reasons, USAA SB and Plaintiff respectfully agree that these proceedings
2 should be stayed pending the arbitration of Plaintiff's claim.

3 Respectfully submitted,

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5 /s/ Matthew K. Higbee

6 MATTHEW K. HIGBEE

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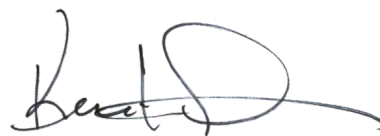
Attorney for Defendant USAA Savings Bank

16 *Attorneys for Plaintiff, Grace Howerton*

17 **ORDER**

18 IT IS SO ORDERED.

19 Dated this 18TH day of oCTOBER, 2019.

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22 U.S. DISTRICT COURT JUDGE